

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:09cv18

NATHAN HARRISON,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
SPECIALTY MANUFACTURING, INC.,)
)
Defendant.)
-----)

THIS MATTER is before the Court *sua sponte*.

On January 14, 2009, the Plaintiff filed an Application to Proceed Without Prepayment of Fees [Doc. 2]. In an Order entered January 21, 2009, the Court determined that it could not determine whether the Plaintiff in fact lacks the resources from which to pay the required filing fee. Accordingly, the Plaintiff's Application was denied, and the Plaintiff was directed to pay the full filing fee or submit an amended application within thirty (30) days. [Doc. 3].

On February 20, 2009, the Plaintiff filed an Amended Application. [Doc. 4]. Upon reviewing Plaintiff's Amended Application, this Court concluded that the Plaintiff has sufficient resources from which to pay the filing fee.

Accordingly, on February 24, 2009, the Court entered an Order [Doc. 5] denying the Plaintiff's Amended Application and giving the Plaintiff thirty days to remit the \$350.00 filing fee. The Order further placed the Plaintiff on notice that failure to pay the full \$350.00 filing fee within thirty days would result in the immediate dismissal of this action. [Id.].

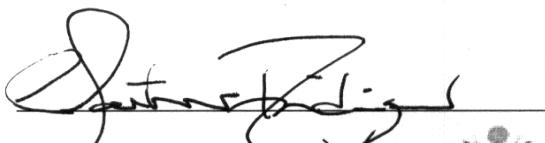
More than thirty days have passed since the entry of the Court's Order, and the Plaintiff has not paid the required \$350.00 filing fee.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Complaint is **DISMISSED** due to the Plaintiff's failure to prosecute.

The Clerk of Court is instructed to serve this Order on the Plaintiff by certified mail, return receipt requested.

IT IS SO ORDERED.

Signed: March 30, 2009



Martin Reidinger
United States District Judge

